



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,938	01/10/2001	Rod L. Proctor	AIR-3	8520

7590 08/24/2004

STOEL RIVES LLP
900 SW FIFTH AVENUE
SUITE 2600
PORTLAND, OR 97204-1268

EXAMINER

DASS, HARISH T

ART UNIT	PAPER NUMBER
----------	--------------

3628

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/757,938

Applicant(s)

PROCTOR, ROD L.

Examiner

Harish T Dass

Art Unit

3628



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date paper #4, #6.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claims 1-19 are canceled.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seiderman (US 5850599).

Re. Claims 20 and 33, Seiderman discloses a portable cellular telephone calling system which ***verifies credit card*** data and ***charges*** the user's ***credit card*** and discloses substantial part of current limitation of this application [see entire document particularly, Abstract; Figures 1, 3, 4, 6; C1 L1 to C4 L64], receiving via a voice channel of a digital wireless telecommunications network a set of audio tones representing a merchant financial verification request (credit card verification request), the ***credit card*** number followed by the destination number is sent out in a single stream of characters {or a first tone in the set of audio tones representing a first binary portion of the financial verification request (credit card number), and a second tone in the set of audio tones representing a second portion of the financial verification request} [C3 L34-L35; C6 L29-L40; C7 L60 to C8 L19; C12 L52 to C13 L2; C21 L10 to C23 L21, and C19 L58 to C20 L13], converting the received set of audio tones into a financial verification request [C6

L1-L40;], and analyzing the financial verification request to determine whether to transmit an authorization message [C11 L66 to C12 L13; C18 L55 to C19 L6].

Seiderman does not explicitly disclose a first tone in the set of audio tones representing a first binary portion of the financial verification request (credit card number), and a second tone in the set of audio tones representing a second portion of the financial verification request. However, information stream and stream characters of Seiderman which are transmitted by dual tone (well known) can be any type of data (voice/number) and in any order acceptable business protocol of the business practice to encode/decode the information stream (for example, if the VISA system requires the verification first and accept charges second, the data transmitted from outside has to conform to VISA format). Further, dual tone is well known and it is a basic tool of communication, telecommunication and control signals and widely used. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Seiderman to include stream of characters with first and second portion of financial verification request for verifying the valid credit card (valid/stolen) and credit amount is bellow the spending limit.

Re. Claim 21, Seiderman discloses generating an authorization message and converting the message to a second set of audio tones for transmission via the digital wireless telecommunications network [Figures 1 (#12, #36), 4 (#414, #316, #350); C7 L27-L58; C6 L29-L40].

Art Unit: 3628

Re. Claim 22, Seiderman discloses providing a wireless remote communication apparatus ("RCA") having a vocoder (voice synthesizer) for transmitting and receiving human voice content over a voice channel of the digital wireless communication network [Figure 1 (#12); C6 L29-L40; C7 L44-L58], providing a call receiver apparatus ("CRA") also capable of transmitting and receiving human voice content over a voice channel of the digital wireless communication network [Figure 1 (#12); C6 L29-L40; C7 L44-L58], defining one or more control codes reserved for communication control signaling over the voice channel, each control code comprising one or more alphanumeric characters (0-25 or 00-FA) [C7 L60 to C8 L20], establishing a digital voice channel connection between the RCA and the call receiver apparatus CRA [Figure 1 (#14)], and interrupt controls. Seiderman does not explicitly disclose in a first one of the RCA and the CRA, selecting one of the communication control codes for transmission to the other one of the RCA and the CRA, in the first one of the RCA and the CRA, converting the selected control code into an audio tone representation, in the first one of the RCA and the CRA, formatting the audio tones in a vocoder so as to form digital transmission data, in the first one of the RCA and the CRA, transmitting the digital transmission data over the digital voice channel connection to the other one of the RCA and the CRA; and in the other one of the RCA and the CRA, detecting the control code to effect control signaling transparently over the voice channel. However, vocoder is well known and further, these are inherent part of cellular telephone communications system to allow cellular communication. It would have been obvious at the time the invention was made to a person having ordinary skill in the art telecommunication of

Art Unit: 3628

voice/data (such as voice over IP, etc) to modify the disclosure of Seiderman and include control signals necessary for transmitting voice/audio signals.

Re. Claim 23, this claim is rejected with same rational as claim 20.

Re. Claims 24-26, Seiderman discloses wherein the transaction information terminal includes a card scanner (card reader) [Figure 1 (#16, #42)], wherein the transaction information terminal includes an input device for entry of a transaction amount (key pad) [Figure 1 (#10)] and wherein the terminal includes a display for displaying a received approval status message [Figure 1 (#16)].

Re. Claims 30, this claim is rejected with same rational as claims 20 and 33.

Re. Claims 34-35, Seiderman discloses wherein the set of audio tones includes first audio tones having a first frequency selected so as to avoid frequencies that are characteristic of human voice and wherein the set of audio tones includes second audio tones having a second frequency selected so as to avoid frequencies that are characteristic of human voice [C6 L50 to C27; C21 L9 to C23 L20].

Re. Claims 27-29 and 31-32, these claims are rejected with same rational as method claims 34-35.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR ' 1.111 (c) to consider the references fully when responding to this action.

PGPUB US 2002/0069165, O'Neil, Jun. 6, 2002 "Efficient and secure bill payment via mobile IP terminals" discloses a system and method directed to an efficient and secure method for using a mobile wireless terminal to pay for charges associated with services rendered by a merchant. An exemplary method includes: receiving a service; requesting charges associated with the service; receiving and displaying the charges; and transmitting, using the mobile wireless terminal, payment information.

US 4,776,003 to Harris, Oct. 4, 1988 "Cellular mobile radio credit card system" discloses cellular mobile telephone stations which are intended for installation and use in public transportation facilities, e.g., taxicabs, limousines, rental cars, etc. are equipped to support credit card billing of transient customers for use of the station services. The cellular pay stations, from the viewpoint of the serving cellular carrier facilities, are indistinguishable from standard cellular mobile stations.

PGPUB US 2002/0107791, Nobrega, Aug. 8, 2002 "Method and apparatus for performing a credit based transaction between a user of a wireless communications device and a provider of a product or service" discloses a wireless telecommunications carrier operates a commerce platform in a trusted domain, which may store sensitive information associated with a consumer. During a credit card based transaction, a merchant's POS terminal sends transaction information to an acquirer. The acquirer

recognizes the transaction type and responds by routing the transaction information to the commerce platform. The commerce platform validates the transaction by verifying the identity of the user. When the transaction is validated, the commerce platform notifies the acquirer, which initiates a clearing process.

US 4,860,336 to D'Avello et al, Aug. 22, 1989 "Radiotelephone credit card data communications" discloses a credit-card radiotelephone for a vehicle with a door includes a radio transceiver and a control unit with a telephone handset, credit card reader, hookswitch and door switch. The telephone handset has a microphone, a speaker, and a dial. The radio transceiver has a transmitter, a receiver, and a first microprocessor for electronically locking and unlocking the radio transceiver. The credit card reader reads a credit card number and produces an output indicating the read credit card number.

US 6,172,974 to Tseng et al, Jan. 9, 2001 "Network element having tandem free operation capabilities" discloses a method and apparatus for achieving tandem free operation (TFO) including bypass transcoding and cross transcoding in a communication system. The present invention provides communication of compressed voice signals, or voice signals compressed in a common format, between wireless mobile stations across a PSTN by bypassing vocoders residing in the MSC/BSC of the communication system, or between network elements of an ATM network. In a wireless network, a capability signal, preferably being a low frequency tone, is transmitted by the terminating MSC/BSC to the originating MSC/BSC to indicate that the terminating element is capable of transcoding or transcoding and cross transcoding.

Art Unit: 3628

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T Dass whose telephone number is 703-305-4694. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S Sough can be reached on 703-308-0505. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Harish T Dass
Examiner
Art Unit 3628



JEFFREY PWU
PRIMARY EXAMINER

8/11/04